

REMARKS/ARGUMENTS

Claims 1 – 25 are pending in the application. In response to the action, claims 1,3,4,9,11,13,17,18,20,23 and 24 have been amended. Claims 14 – 16 and 19 have been canceled. New claims 26 and 27 have been added. Reconsideration of the claims in view of the amendments is respectfully reconsidered.

112 Rejections

Claims 1, 3, 13, 18, 20, 22, and 24 have been objected to for various informalities, and claim 23 has been rejected for an element lacking antecedent basis. In response, these claims have been amended to rectify the problems. In view of the amendments, the Applicant respectfully requests that the objections to and rejections of these claims be withdrawn.

102 Rejection

Independent claim 1 was rejected as anticipated by Fortin, U.S. Patent Number 6,776,249. Claim 4 and 11, however, have been indicated as allowable. In response, claim 1 has been amended to incorporate the limitation to “two bit code” found in claim 4, and new claim 27 has been added as claim 11 rewritten in independent form. Claims 17 and 18 have been rewritten to depend from claim 27. In view of the amendments, claims 1 – 13, 17, 18 and 27 are believed patentable over the cited references, and the Applicant respectfully requests that these claims be allowed.

103 Rejection

Claims 3, 14, 15, and 19 were rejected as obvious over various combinations of Fortin and other references. Claim 3 depends from claim 1, which, as amended, is believed patentable for the reasons stated above. Claims 14, 15, and 19 have been canceled.

Other Amendments

Claim 23 has been amended to change the wording "has stopped" to "is inactive". This change has been made to more clearly reflect the actual state of the truck when the brake is applied and is made for any reason related to patentability. New claim 26 depends from claim 23, and has been added to clarify that the controller applies the brake when the truck is determined to be inactive. The element "an operator control for selecting a speed of the vehicle" has been deleted as unnecessary to the claim, and again is not made for a reason related to patentability. New claim 28 is a dependent claim defining driving states for claim 1.


Conclusion

In view of the amendments, the application is believed to be in condition for allowance, and a notice of allowance for claims 1 – 13, 17, 18, and 20 – 27 be issued.

No fees are believed necessary for entering this amendment. However, the Commissioner is authorized to charge any fees under 37 CFR § 1.17 that may be due to Deposit Account 17-0055 and treat this amendment and any future reply in this matter requiring a petition for an extension of time as incorporating a petition for extension of time for the appropriate length of time as provided by 37 CFR § 136(a)(3).

Respectfully submitted,

Ryan Philip Lindsay

By: 
Terri S. Flynn
Quarles & Brady LLP
Reg. No. 41,756
411 East Wisconsin Avenue
Milwaukee, WI 53202-4497
414/277-5229